

PTO/SB/61 (07-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional)
First Named Inventor: Richard Alan McDonald	Art Unit: 3635	
Application Number: 10/684,851	Examiner: Chapman	
Filed: 10/15/2003		
Title: Breakaway Support for Overhead Lines		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.		
NOTE: A grantable petition requires the following items:		
(1) Petition fee.		
(2) Reply and/or issue fee.		
(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and		
(4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input checked="" type="checkbox"/> Small entity - fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee		
A The reply and/or fee to the above-noted Office action in the form of Amendment and Brief Showing Cause of Delay _____ (identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		

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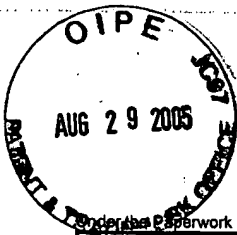
This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Signature

Anthony Tacconi

Typed or printed name

8/26/05

Date

48,660

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Please see attached sheet.

(Please attach additional sheets if additional space is needed.)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard Alan MCDONALD

Application No. : 10/684,851

Filed: October 15, 2003

Title: Breakaway Support for Overhead Lines

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

**BRIEF SHOWING CAUSE OF UNAVOIDABLE DELAY IN SUPPORT OF
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**

The accompanying petition arises out of U.S. Patent Application No. 10/684,851 filed by Applicant Richard A. McDonald ("McDonald") on October 15, 2003. Applicant McDonald drafted, filed and prosecuted the '851 application pro-se before the U.S. Patent and Trademark Office.

On or about November 2, 2004, Examiner Jeanette Chapman issued an Office Action rejecting all five pending claims in the application. On or about January 5, 2005, within the period set for reply, Applicant filed a timely response to said Office Action in letter form. Applicant's reply was received in the U.S.P.T.O. and classified as a Miscellaneous Incoming Letter.

Ultimately, Applicant's reply was deemed unresponsive to the outstanding Office Action. Upon information and belief, it was deemed unresponsive, in part, due to the

length of the document and failure to comply with the requisite formatting for such replies. On or about July 15, 2005, Applicant received a Notice of Abandonment for his application.¹ The Notice indicated that the application was deemed abandoned in light of the fact that “no reply had been received.”

Upon receipt of said Notice, Applicant contacted Examiner Chapman and sought advice on how to proceed in order to continue prosecution of the application. After speaking with Examiner Chapman, Applicant promptly contacted the undersigned patent attorney in an attempt to take immediate steps to revive the application and reinstate prosecution.

Applicant’s abandonment was involuntary and unavoidable and would thus fall within the purview of 37 CFR §1.137(a). Applicant filed a timely reply and his actions confirm a bona-fide attempt to comply with the requirements of the U.S.P.T.O. and advance the prosecution of the matter. Applicant’s reply was by no means cursory or lacking in detail or specificity. Although Applicant’s reply may not have properly addressed the issues the Examiner raised under 35 U.S.C. §103(a) and/or have been in compliance with all formal requirements, Applicant filed with a good faith belief that he had complied with all such requirements. As a result, Applicant’s abandonment was unavoidable, and had he been permitted a new time period within which to file a revised Reply, he certainly would have done so.

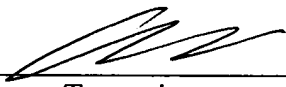
Therefore, Applicant would respectfully request that his petition be granted and that the application be revived pursuant to 37 CFR §1.137(a). In the alternative, if the

¹ Although the notice of abandonment contains a mailing date of June 30, 2005, the correspondence was not received by Applicant for almost two weeks following that date as it was addressed to Applicant’s former address. Applicant, in his reply of January 5, 2005 (and inadvertently not realizing the appropriate manner through which a change of address is effected) indicated that he had moved and requested that all correspondence be forwarded to his new residence. See McDonald Reply at 14.

Director should fail to determine that the abandonment was unavoidable, Applicant would respectfully request that the Director grant Applicant's petition under 37 CFR §1.137(b) and revive the application.

Respectfully submitted,

Date: 8/26/15



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48,660

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